

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

WISCONSIN STATE SENATE,
SENATOR ANDRÉ JACQUE, and
ANTHONY THEISEN,

Plaintiffs,

Case No. 23-cv-01175-WCG

v.

THE CITY OF GREEN BAY and
ERIC GENRICH,

Defendants.

**DEFENDANTS' AMENDED CIVIL LOCAL RULE 7(h) EXPEDITED NON-
DISPOSITIVE MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM OF 21
PAGES IN SUPPORT OF THEIR MOTION TO DISMISS AMENDED COMPLAINT IN
EXCESS OF THE 15 PAGE LIMIT SET FORTH IN CIVIL LOCAL RULE 7(f)**

Defendants City of Green Bay and Eric Genrich, by their attorneys, Stafford Rosenbaum LLP, by Attorneys Ted Waskowski, Kyle W. Engelke, and Erin K. Deeley, respectfully move the Court, pursuant to Civil Local Rule 7(h), for an Order permitting them to file a reply memorandum in support of their pending motion to dismiss the Amended Complaint in excess of the page limit as set forth in Civil Local Rule 7(f). In support thereof, the Defendants state as follows:

1. Defendants have made every effort to prepare a concise reply brief in support of their pending Motion to Dismiss in accordance with Civil Local Rule 7(f). However, due to the nature of Plaintiffs' claims – for example, the implications of the Wisconsin Senate having standing and suing municipalities as a putative stand-in for actual plaintiffs and/or class allegations – and the sheer quantity of citing references in Plaintiffs' response (over 70 cases cited and the need to discuss and distinguish many cases in light of the qualified immunity arguments, etc.),

Defendants' reply requires substantial analysis of relatively complex constitutional and statutory issues.

2. Defendants anticipate that they will exceed the 15-page limit established in Civil Local Rule 7(f) even if they present their arguments as concisely as possible.

3. Because of the nature of the applicable analyses and the facts alleged by Plaintiffs in support of their claims, Defendants respectfully request that the Court enter an Order granting them leave to file a reply memorandum of up to 21 pages.

4. Last Thursday, counsel for Defendants contacted counsel for Plaintiffs to inquire if they would oppose a motion to exceed the page limit up to 25 pages, and the Plaintiffs' counsel objected to a brief exceeding 18 pages (*See also* ECF 22). This afternoon, counsel for Defendants contacted counsel for Plaintiffs to inquire if the objection stood to an amended motion seeking to exceed the page limit up to 21 pages, and counsel for Defendants had not received a response prior to the filing of this motion.

WHEREFORE, Defendants respectfully request leave to file a reply memorandum in support of a motion to dismiss that exceeds the limit set forth in Civil Local Rule 7(f) but that is no longer than 21 pages.

Dated: November 13, 2023.

STAFFORD ROSENBAUM LLP

Electronically signed by Kyle W. Engelke

Ted Waskowski, SBN 1003254

Kyle W. Engelke, SBN 1088993

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